



EUROPEAN COMMISSION

Innovation and Networks Executive Agency

Data Protection Notice

Selection and recruitment of statutory (Temporary Agents and Contract Agents) and non-statutory staff (Bluebook trainees, Atypical trainees & Interim staff

In accordance with Regulation (EU) 2018/1725 of 23 October 2018 on data protection (hereinafter the Regulation), the Innovation and Networks Executive Agency (hereafter INEA) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The **controller** is INEA:

- a. Unit INEA.R04 – Human Resources, IT and Logistics
- b. Person responsible for the processing: Head of Unit, INEA.R.4
- c. Email: INEA-HR-INFO@ec.europa.eu

2. The **purpose of the processing** is

The purpose of the processing is to receive applications, evaluate, select and recruit the best candidates for the positions available in INEA, in compliance with the requirements of the Staff Regulation and CEOS, implementing rules and vacancy notice for each post.

The data processing aims at ensuring compliance with all requirements and proper management of staff working on the Agency, including, for interim agents, the verification of invoices and hours worked.

3. The **data subjects** concerned by this notice are

During the selection phase, data subjects are all applicants to a post within the Agency.

During the recruitment phase, data subjects are the persons that have passed the selection procedure and that received a job offer, signed a traineeship convention or a contract with interim agency to work as interim agent within the Agency. These include temporary agents, contract agents, bluebook and atypical trainees and any person working as interim agent in INEA. EU Seconded Officials are detached from their DG in the European Commission to INEA as temporary agents. Although, there are currently no Seconded National Experts employed in INEA, they may become data subjects, should they apply & be selected for a post in INEA as temporary agents.

4. The **categories of personal data** collected and used for the processing operations are:

During the selection phase for temporary and contract agents, the following documents and personal data may be requested from candidates and/or processed:

- Personal data allowing identification of the candidate: title, family name, first name, name at birth, date and place of birth, sex, number and number and validity date of identification document, email address, nationality/citizenship;
- Information provided by the candidate to allow practical organisation of the selection: address, postcode, city, country, telephone numbers, languages for correspondence, and special needs);

- Information provided by the candidate to allow reimbursement of their travel expenses: contribution form, copy of the identification document, legal entity form and financial identification form (with bank account number and bank details);
- Information contained in the CV. The level and type data depends on the amount of information that the candidates provides:
 - Work experience: occupation or positions held, start and end dates, position/title, work regime (full-time or part-time), main activities and responsibilities, name and address of the employer, type of business or sector, possible publications,
 - Education and training information: for each completed course, start and end dates, title of qualification awarded, principal subjects and occupation skills covered, name and type of organisation providing education and training, level in national or international classification),
 - Languages: for each language specified, proficiency (understanding: listening and reading, speaking: spoken interaction and spoken production and writing),
 - Skills and competences: Technical and non-technical skills relevant to the position; organisational, social or other skills,
 - Motivation, strengths and achievements: the motivation to apply and a description of relevant strengths and achievements,
 - References: Contact details of referees;
- Information concerning the assessment and interviews of the candidates:
 - Written test, which include the name of the candidate,
 - Pre-selection screening tables with the comments of the Selection Committee, Minutes of the Pre-selection and list of candidates to be interviewed signed by Selection Committee members and Appointing Authority,
 - Interview Performance grids with collective final comments of the Selection Committee, including an assessment of the candidate's individual performance, which are signed by all members of the Staff Committee and Appointing Authority,
 - Reserve list with the names of candidates retained during a given selection;

During the recruitment phase for Temporary Agents and Contract Agents the following documents and personal data may be requested:

- Diplomas, certificates and complementary training (stating the legal duration of the studies);
- For Contract Agents – EPSO letter informing about successfully passed CAST competition;
- For seconded EU official as temporary agents, the nomination act as officials in the Commission and detachment act issued by DG HR.
- An extract from police file or a certificate of good behaviour;
- A passport-size photograph;
- Birth certificate;
- Documents proving nationality;
- Statement of military service;
- Marriage certificate and/or divorce certificate;
- Birth certificates of any children and statement of continuing full-time education for any children attending university;
- Proof of professional experience – contracts of employment and certificated from previous employers stating the length of service, start and end date of remunerated activity and level of responsibility. The contracts should mention whether the professional activity was part-time or full-time. In case there is no other proof of employment, recruits can provide payslips from previous employments for the determination of their grade.
- Financial identification form and Legal Entity form;
- Document specifying usual place of residence;

- Medical aptitude certificate (obtained from the Medical Service) without any medical information. All medical and health data are retained by the Medical Service and not provided to INEA.
- AIPN decision with determination of individual rights (obtained from the PMO)
- Travel expenses forms, removal reimbursement forms, installation and/or resettlement allowance forms, daily subsistence allowance proof, any legal decisions which have an impact on salary,
- Ethics declarations concerning activity of spouses, external activities;

Specifically for interim staff:

INEA is provided by its contractor(s) with the complete curriculum vitae of potential interim staff to be assigned to work in different INEA's units. INEA collects and processes the following personal data of interim staff: identification data (name etc), timesheets, level of function, copy of the ID card. The collection and processing is done both on paper and electronically.

Specifically for bluebook trainees:

The data concerning the applications of Bluebook trainees is managed under the Service Level Agreement with DG EAC. INEA has access to the database of bluebook trainees for the research of suitable candidates. INEA does not own the data contained in the database being only a recipient of the data.

The personal data available in this database contains data under the format of CV's submitted by the candidate trainee: name, date of birth, education, professional experience, & linguistic skills. The CV's also include private address and telephone contacts of the candidates to a traineeship as well as contact information of a person to contact in case of emergency.

INEA keeps only the necessary data to proceed with the selection of the trainee. Data on professional conduct of the trainee during the traineeship. The names of the trainees are kept in the recruitment request form. The Agency does not keep any personal data concerning the bluebook trainees after the end of their traineeship. Certificates and evaluation reports are stored in DG EAC database.

Specifically for atypical trainees:

An application for an in-service traineeship shall include the following:

- Curriculum Vitae, motivation letter stating the reasons for the application and the requested period for the in-service traineeship;
- Passport or identity card, giving the surname, forenames, date and place of birth, as well as the nationality of the applicant;
- Degrees or diplomas held or a statement describing the professional activity in which they are engaged;
- Proof of relevant professional experiences;
- Diplomas or certificates proving the thorough knowledge of one of the official languages of the European Union and a good knowledge of another of these languages;
- Official document issued by the competent authority certifying that the applicant is enjoying the full rights of citizen;
- Declaration on honour of the trainee which certifies that the applicant has not already undertaken more than 6 weeks in-service traineeship with a European Institution or body;
- If recruited, documentary evidence of his/her healthcare insurance.

5. The **recipients** of the data are:

All recipients are on a "need to know" basis:

Access to the data is granted only if there is a clearly specified administrative purpose, and only to those whose role and level of responsibility require them to have access on a need to know basis. There are strict rules to limit access to personal data. HR staff dealing with the data is bound by confidentiality.

During the **selection phase**:

- The personnel in the HR Unit dealing with the selection;
- If necessary, the personnel in the financial circuit for the reimbursement of travel and accommodation costs linked to the interview (access to);
- The members of the Selection Committee and the heads of the recruiting service;
- The AHCC (Authority Empowered to Conclude Contracts of Employment);

For the **recruitment phase**:

- Only the designated staff dealing with the recruitment file can access and process personal data.
- As appropriate, and in line with the Service Level Agreements in place only the necessary information is transferred to services of the European Commission: the PMO (e.g. for salary slips preparation), the Medical Service (e.g. the pre-recruitment medical visit organisation) and DG HR for the issuing of service cards and management of accesses to the building.

In addition, data may be disclosed to public authorities, which are not regarded as recipient but may receive personal data in the frame of a particular inquiry in accordance with Union and Member State law, namely:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union
- The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725

6. **Data Subjects rights:**

Candidates may exercise their rights of access, rectification and erasure as set out in the respective Implementing Rules of the Agency for data protection, explained also in the Data Protection Notice. However, after the deadline for submission an application the right of rectification may be restricted to material errors. Considering the confidential nature of the proceedings of a selection panel and the established case law of EU courts, access to personal data may be limited on the grounds of Article 25, paragraph 1, of Regulation (EU) 2018/1725.

As regards personal files, in accordance with the Staff Regulations, staff members have permanent access to their personal files by consulting the file in hard copy in the HR offices

and request copies. They also have the right to rectify any inaccuracy upon request. This right remains also after the end of the contract with the Agency. The personal files can only be consulted by HR staff and by the data subject as described above.

Any request of rectification, blocking or erasure of data is directed to the interim agency that deals with it and subsequently informs INEA.

You can exercise your rights by sending an email with the requested change(s) to the controller via the functional mailbox indicated here-above in Section 1.

In any cases your data will be modified or removed accordingly and as soon as practicable (maximum within 15 working days).

When processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing before such a withdrawal

7. How does INEA protect and safeguard your data?

For temporary and contract Agents personal data is processed via the e- Recruitment tool, which abides to strict confidentiality and security measures to ensure data protection. This tool is operated via a contractor selected by INEA, which is located in the EU and is subject to the GDPR (see below for more information) .

Personal data of applicants is stored electronically on the EC servers or in the e-Recruitment tool and in paper and accessible only by the authorised personnel for the purposes of the selection and recruitment of candidates on a need to know basis. Access is granted only if there is a clearly specified administrative purpose, and only to those whose role and level of responsibility require them to have access. HR staff having access to the data is bound by confidentiality.

- Electronic archives are kept in INEA's Human Resources restricted INEA Shared Drive and Functional mailbox and only accessible by designated staff members. Access to data is safeguarded by the internal European Commission IT systems, which protect against external users accessing the data. Access to electronic files is protected via the Commission security measures (use of password & ECAS authentication system, etc) . ;
- Members of the Selection Committee are responsible for maintaining the confidentiality of any documents or electronic files sent to them. They are requested to return, erase or destroy all confidential documents or files received.
- Paper archives for each selection procedure are kept in closed cupboards and the keys are owned by the HR staff member responsible for each selection;
- Archives of the selections are transferred to an archive room with restricted access once the selection procedure is closed;
- For selected candidates, individual personal files are created and stored in secure archives that are accessible only to authorised personnel. An electronic version of the personal data is stored by the Unit R4 – HR Service and kept confidential with restricted access rights.

Specific measures for the e-Recruitment tool:

- Data entered by the candidates in the e-Recruitment tool is secured and only accessible by authorized staff members of the HR Unit's Staff Recruitment Team and designated Selection Committee members.
- The access to the e-Recruitment tool is done via a secured platform and using an individual password. The access to the personal data is protected by the management of the access rights which are strictly limited to specific user groups.

The entitlement is distributed according to the principle of 'the need to know' taking into consideration the function, the job and responsibilities of the applicant for an access right. Consequently, the access rights are continuously updated in accordance with the changes in the assignments of the jobholders.

- The datasets are safeguarded in the Data Centers of the contractor, and therefore covered by the numerous defensive measures implemented to protect the integrity and confidentiality of the electronic assets.
- Candidates have the possibility to request to delete their profile from the e-Recruitment tool database (containing all submitted documents and information related to selection).
- The contract with the processor implementing the e-recruitment tool provides for obligations to ensure data protection (e.g. confidentiality, measures to take in case of data breach, no cloud outside the EU, etc.)

Specific measures for bluebook traineeship:

- The selection of candidates for bluebook traineeship, is done via a secured database owned by DG EAC. Access to data is restricted to the coordinator in INEA, Heads of unit, advisors and the Director of the Agency on a need to know basis. The access to the database is protected by a password and managed by the traineeship office. Personal data of pre-selected candidates are stored in a database (Virtual Blue Book, "VBB") under the responsibility of the Traineeship Office. This database is accessible to all services of the Commission and to Executive Agencies and provides access to restricted information. Data processing by the Agency concerns only the selection from the VBB. No personal files are opened for trainees.

8. **The legal basis of the processing** are:

Lawfulness: Article 5 . 1 (a) & (c) of the Regulation:

- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

The legal basis references which apply to the selection are contained in:

- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes;
- Commission Decision 2013/801/EU of 23 December 2013 establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC as amended by Decision 2008/593/EC;
- Commission Decision C(2013)9235 of 23 December 2013 delegating powers to INEA with a view to the performance of tasks linked to implementation of the Union programmes in the field of transport, energy, telecommunications infrastructure and in the field of transport and energy research and innovation, comprising in particular implementation of appropriations entered in the general budget of the Union;
- Staff Regulations of officials and the Conditions of Employment of other servants of the European Union [Title I, Title III (Chapters 1 and 2)];
- Conditions of Employment of Other Servants of the European Union (CEOS) [Title I, Title II (Chapters 1 and 3), Title IV (Chapters 1, 3, 4 and 5)];
- Steering Committee Decision SC(2015)004 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS as regards executive agencies;

- Steering Committee Decision SC(2017)015 - Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof;
- Service Level Agreement with DG HR signed on 21/12/2017;
- Service Level Agreement with PMO signed on 05/11/2018;
- Commission Decision C(2005)458 of 2 March 2005 governing the official traineeships scheme of the European Commission;
- Service Level Agreement with DG EAC signed on 08/11/2018;
- Rules governing in-service traineeship in INEA;
- Framework contract under which interims can be hired - Contract N° HR/R3/PR/2014/078;

9. The **time limits for keeping** the data are the following:

INEA applies the principles and retention periods indicated in Common Retention List of the Commission¹ by analogy.

Files documenting the organisation of selection procedures - 5 Years

- Files documenting the organisation of competitions: notices of competition, compositions of the selection committee, letter appointing the selection committee, declarations of confidentiality of selection committee members, invitations to meetings, minutes, evaluation sheets, written tests of candidates, instructions for the selection committee, minutes and references to disputes.

Files on candidates for posts as contract or temporary staff (eliminated)- 5 years:

- File on each candidate for a temporary or contract agent eliminated during the procedure.
- Data stored in the profile of each candidate in the e-recruitment tool will be deleted in the absence of any activity during a period of 5 years. Candidates receive an automated message to update their profile within 15 days. If the update is not done, they are automatically removed from the e-Recruitment tool database.

Files on candidates for posts as contract or temporary staff (reserve list)- 2 years:

- File on each candidate for a temporary or contract agent post (application letter, exams, etc) entered in a reserve list or taken on for a specific post. A distinction needs to be made between recruited and non-recruited applicants on the reserve list. The information related to recruited applicants is stored in their personal file. The file of non-recruited applicants is closed once the reserve list is expired.

File on trainees – 2 years

- For non-recruited candidates the personal data will be stored for a maximum period of two years. Documents related to recruited candidates are kept in the trainee's personal file, which are kept for two years after the end of the traineeship at the Agency, provided there are no pending claims or any other open issues.

File on interim staff – 2 years

- CV's are kept 2 years as from reception.
- INEA does not keep copy of the contracts. The copies of the timesheets are kept as supporting documents for the checking and payment of the invoices (according to the financial regulation, the retention period for files concerning management expenditure is 10 years).

¹ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

Personal files of recruited candidates:

- 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person.
- Any document that is important for a staff member career (above all signed originals) must be placed in the relevant personal file.

Day-to-day management of human resources - 4 years

- Files on staff management, allocation of vacant posts, leave, etc., created for the purposes of sound management of human resources in the department concerned.

10. Contact information

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the email address mentioned here above in Section 1

You may contact at any time the Data Protection Officer of the Agency (INEA-DPO@ec.europa.eu). You have the right to have recourse at any time to the European Data Protection Supervisor (edps@edps.europa.eu).